

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

ERIC WILLIAMS
T/U/O Mayor & City Counsel
Of Baltimore City

*

*

Plaintiff

*

v.

*

Civil Action No.: WMN-02-2147

H.D. INDUSTRIES, INC.

*

Defendant

*

* * * * *

MOTION TO EXTEND DEADLINE TO FILE DISPOSITIVE MOTIONS

Defendant, H.D. Industries, Inc. and Plaintiff Eric Williams, by their attorneys Robert H. Bouse Jr. and Jonathan A. Cusson and Mark Herman hereby move to extend the deadline to file dispositive motions and state as follows:

1. The controversy in this case emanates from an on-the-job accident that occurred in Baltimore City on October 6, 1999. Specifically, the plaintiff was injured when he climbed into the “hopper” of a Pro-Patch hot asphalt patching machine manufactured by H.D. Industries.

2. The parties have been working together to complete the vast amount of discovery that is required in this matter; however, discovery is not fully complete.

3. More importantly, a dispute has recently arisen regarding plaintiff's expert disclosure. Defendant has brought these issues to counsel's attention in writing and by telephone.

4. H.D. Industries believes that it may have grounds to file a motion for summary judgment.

5. Because discovery is not complete, this defendant is not in a position to fully articulate its arguments.

6. Permitting additional time to file a dispositive motion may resolve this matter short of trial, will place the parties in a better position to settle the case and is otherwise in the interests of judicial economy.

7. Plaintiff joins in and consents to this extension.

WHEREFORE, Defendant H.D. Industries respectfully requests that the Court extend the dispositive motions deadline until discovery is complete or for an additional sixty (60) days.

Respectfully submitted,

Jonathan A. Cusson
Anderson, Coe & King, LLP
201 N. Charles Street, Suite 2000
Baltimore, Maryland 21201-4135
(410) 752-1630

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 12th day of December, 2003, a copy of Defendant, H.D. Industries, Inc.'s Motion to Extend Deadline to File Dispositive Motions was mailed, postage prepaid, to:

Mark Herman, Esquire
William G. Kolodner, P.A.
14 W. Madison Street
Baltimore, Maryland 21201
410-837-2144
Attorneys for Plaintiff

Thurman W. Zollicoffer, Jr., Esquire
City Solicitor
Mayor & City Council
of Baltimore City
101 City Hall
Baltimore, Maryland 21202

Jonathan A. Cusson